

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-223

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, the Housing and Community Development Reform Advisory Commission Act of 2002 to strike the affiliation prohibition to broaden the pool of persons who may serve on the Commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Housing and Community Development Reform Advisory Commission Emergency Amendment Act of 2003".

Sec. 2. Section 1142(2)(A) of the Housing and Community Development Reform Advisory Commission Act of 2002, effective October 1, 2002 (D.C. Law 14-190; D.C. Official Code § 6-1032(2)(A)), is amended by striking the phrase "agent or other affiliate" and insert the phrase "or agent" in its place.

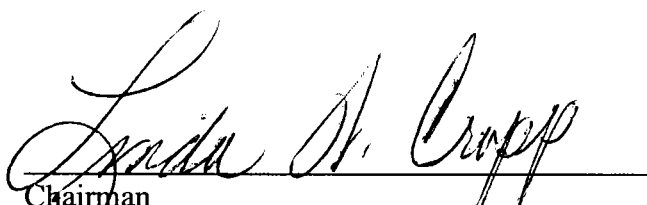
Note,
§ 6-1032

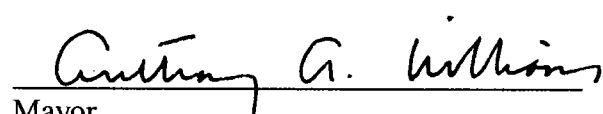
Sec. 3. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: October 2003
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Subject/Short Title: "Housing and Community Development Reform Advisory Commission Emergency Amendment Act of 2003"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
The legislation will merely allow affiliates of organizations that receive funding from DHCD to sit on the Reform Advisory Commission.		

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? If the resolution is not approved, the Mayor's nomination of Robert Pohlman will not be approved.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? No additional funds are needed to implement this legislation.	(X)	()

Sources of information:	Councilmember: Harold Brazil
	Staff Person & Tel: Barry Kreiswirth 724-8792
	Council Budget Director's Signature: <i>[Signature]</i>

11/3/03

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-224

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, the Washington Convention Center Authority Act of 1994 to eliminate the limit on the number of consecutive terms that may be served by a member of the Board of Directors.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Term Limit Emergency Amendment Act of 2003".

Sec. 2. Section 205(b)(1) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.05(b)(1)), is amended by striking the phrase ", and no Board member shall serve more than 2 consecutive terms".

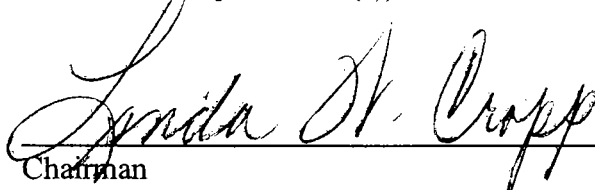
Note,
§ 10-1202.05

Sec. 3. The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

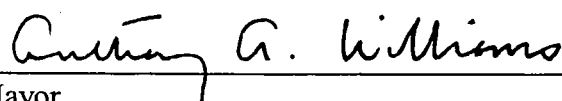
Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 25, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: October 2003
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Subject/Short Title: "Washington Convention Center Authority Term Limit Emergency Amendment Act of 2003"

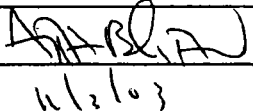
Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
The legislation will eliminate the limit on the number of consecutive terms that may be served by current members of the Washington Convention Center Authority Board of Directors.		

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District.	(X)	()
The legislation will eliminate the limit on the number of consecutive terms that may be served by current members of the Washington Convention Center Authority Board of Directors.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	(X)	()
The legislation will allow the reappointment of the terms of the current members of the Washington Convention Center Authority Board of Directors.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	(X)	()
Funds have been appropriated for the Budget and Financial Plan for the current year for the continued operation of the Washington Convention Center Authority Board of Directors.		

Sources of information:	Councilmember: Harold Brazil
	Staff Person & Tel: Barry Kreiswirth 724-8792
	Council Budget Director's Signature: 

11/2/03

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-225

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to authorize the Mayor to promulgate rules governing the business of furnishing towing services for motor vehicles, to require that the proposed rules be submitted to the Council for a 45-day period of review, and to provide that if the Council does not approve or disapprove the proposed regulations, in whole or in part, by resolution, within the 45-day review period, the proposed regulations shall be deemed disapproved.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Towing Regulation and Enforcement Authority Emergency Act of 2003".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents for Chapter 28 is amended by adding the phrase "47-2850. Rules and Regulations Governing the Business of Furnishing Towing Services for Motor Vehicles."

(b) A new section 47-2850 is added to read as follows:

"§ 47-2850. Rules governing the business of furnishing towing services for motor vehicles.

"(a) The Mayor is authorized, in accordance with Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502 *et seq.*), to:

"(1) Promulgate rules to govern the business of furnishing towing services for motor vehicles; and

"(2) Amend or repeal any provision of Chapter 4 of Title 16 of the District of Columbia Municipal Regulations governing the business of furnishing towing services for motor vehicles.

"(b) Rules proposed pursuant to this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed regulation, in whole or in part, by resolution, within this 45-day review period, the proposed regulations shall be deemed disapproved.

ENROLLED ORIGINAL

"(c) Any person who violates any of the rules promulgated pursuant to this section shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not exceeding \$1,000 per violation, and imprisonment for not more than 90 days, or both. All prosecutions for violations of any rule or regulation issued pursuant to this section shall be in the Criminal Division of the Superior Court of the District of Columbia in the name of the District of Columbia by information signed by the Corporation Counsel or one of his or her assistants. Civil fines and penalties may be imposed as alternative sanctions for any infraction of the rules issued pursuant to this section, pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infractions shall be pursuant to Titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985."

Sec. 3. Applicability.

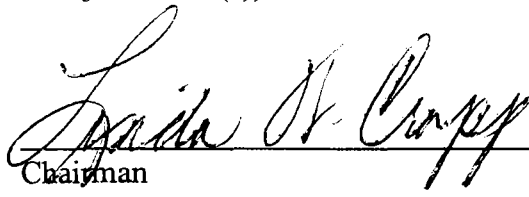
This act shall apply as of November 13, 2003.

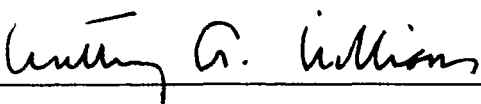
Sec. 4. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003
Codification District of Columbia Official Code, 2001 Edition

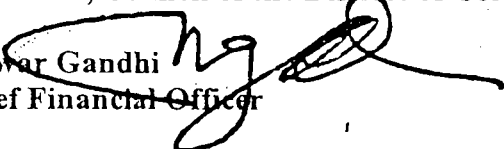
Government of the District of Columbia
Office of the Chief Financial Officer

Natwar M. Gandhi
Chief Financial Officer



MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar Gandhi 
Chief Financial Officer

DATE: OCT 31 2003

SUBJECT: Fiscal Impact Statement: "Towing Regulation and Enforcement Authority Temporary Act of 2003" and "Towing Regulation and Enforcement Authority Emergency Act of 2003"

REFERENCE: Draft – No bill number

Conclusion

Funds are sufficient in the District of Columbia's proposed FY 2004 through FY 2007 budget and financial plan to implement the "Towing Regulation and Enforcement Authority Temporary Act of 2003" and the "Towing Regulation and Enforcement Authority Emergency Act of 2003". No additional staff or resources will be required.

Background

The purpose of the proposed legislation is to give the Mayor the authority to promulgate and enforce regulations that govern the business of towing and storing vehicles. In addition, the proposed legislation will establish criminal and civil penalties for violations of the proposed regulations.

Financial Plan Impact

Funds are sufficient in the proposed FY 2004 through FY 2007 budget and financial plan. It should be noted that revenue from criminal fines and fees is retained by the Superior Court.

10708

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To continue, on an emergency basis, a parking meter fee moratorium on Saturday, and on other days between 6:30 p.m. and 7:00 a.m.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Parking Meter Fee Moratorium Emergency Act of 2003".

Sec. 2. Parking meter fees; exceptions.

(a) Except as provided in subsection (b) of this section, no citation shall be issued for a parking meter fee violation at any time on a Saturday, or on other days between the hours of 6:30 p.m. and 7:00 a.m.

(b) No person shall park at a parking meter on a Saturday between 7:00 a.m. and 6:30 p.m. for more than 3 hours, unless current signage permits parking for a longer time. Failure to move the vehicle after 3 hours on a Saturday, between 7:00 a.m. and 6:30 p.m., shall constitute a violation unless current signage permits parking for a longer time.

(c) The Mayor may promulgate rules to exempt certain streets from the provisions of this act when necessary to accommodate special needs or situations identified by proximate business or District agencies, subject to approval by the Council.

Sec. 3. Applicability.

This act shall apply as of November 5, 2003.

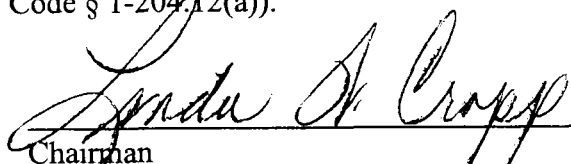
Sec. 4. Fiscal impact statement.

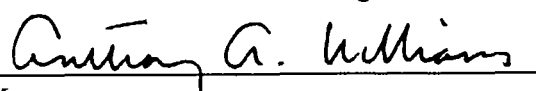
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency (X) Temporary () Permanent ()	Date Reported:
Subject/Short Title: "Parking Meter Fee Moratorium Emergency Act of 2003"		

Part I: Summary of the Fiscal Estimate of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
Explanation: This bill will have no or minimal fiscal impact because it would merely continue a program which has already been in existence, namely the parking meter fee moratorium program.		

Part II: Other Impacts of the Bill		
	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? The current parking meter fee moratorium program would not be continued for the timebeing.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(X)

Sources of information:	Councilmember: Carol Schwartz
Council staff.	Staff Person & Tel: Andrew Gerst (202) 727-8272
	Council Budget Director's Signature: <i>Andrew Gerst</i>

10/29/03

10/29/03

10:59 AM

10711

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
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To amend, on an emergency basis, due to Congressional review, the District of Columbia Procurement Practices Act of 1985 to authorize District government agencies to participate in intra-jurisdictional cooperative purchasing agreements for the purpose of procuring construction services or architectural and engineering services related to construction repairs, upgrades, restoration, alteration and reconstruction of existing buildings and facilities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Cooperative Purchasing Agreements Congressional Review Emergency Amendment Act of 2003".

Sec. 2. Section 1102 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code §2-311.02), is amended as follows:

Note,
§ 2-311.02

(a) The first sentence of subsection (a) is amended by striking the phrase "not include construction services or architectural and engineering services related to construction." and inserting the phrase "include construction services or architectural and engineering services related to construction repairs, upgrades, restoration, alteration, and reconstruction of existing buildings and facilities." in its place.

(b) Subsection (c) is amended as follows:

(1) Paragraph (3) is amended by striking the word "or" at the end;

(2) Paragraph (4) is amended by striking the phrase "data bases"." and inserting the phrase "databases; or" in its place.

(3) A new paragraph (5) is added to read as follows:

"(5) Agreements for construction services or architectural and engineering services related to the repair, upgrade, restoration, alteration and reconstruction of existing buildings and facilities."

Sec. 3. Applicability.

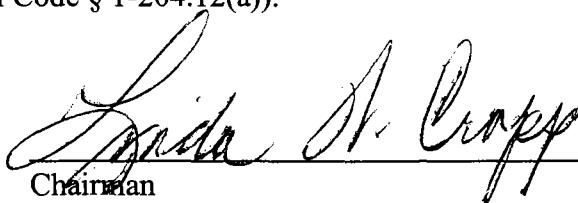
This act shall apply as of November 5, 2003.


Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for Bill 15-54 as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis, section 47-813(c-6) of the District of Columbia Official Code to clarify the definitions of real property classifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Real Property Classification Clarification Emergency Act of 2003".

Sec. 2. Section 47-813(c-6) of the District of Columbia Official Code is amended to read as follows:

Note,
§ 47-813

"(c-6)(1) For the real property tax year beginning October 1, 2002, and ending September 30, 2003, and for each subsequent tax year, the following classes of taxable real property are established:

- "(A) Class 1 Property;
- "(B) Class 2 Property; and
- "(C) Class 3 Property.

"(2)(A) Class 1 Property shall be comprised of residential real property that:

- "(i) Is improved;
- "(ii) Is occupied; and
- "(iii) Is used exclusively for nontransient residential dwelling

purposes.

"(B) Unimproved real property which abuts Class 1 Property shall be classified as Class 1 Property if the unimproved real property and the Class 1 Property have common ownership.

"(C) Residential real property that is either unoccupied or unimproved shall remain classified as Class 1 property if:

"(i) The improved real property is unoccupied due to a fire, flood, or other casualty, if the property was occupied at the time of the casualty, and the fire, flood, or other casualty occurred during the 12 months preceding the tax year and was not intentionally caused by the owner or sole tenant;

"(ii) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

"(iii) A building permit or a demolition permit has been issued and construction or demolition is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

"(iv) A building permit has been issued during the 24 months

preceding the current tax year;

"(v) The improved real property is the subject of a probate proceeding or title to the improved real property is the subject of litigation;

"(vi) An application for a necessary approval for development of the improved real property is pending, as of September 30 of the preceding tax year or as of March 31 of the current tax year, before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Review Board, the Mayor's Agent for Historic Preservation, or the National Capital Planning Commission;

"(vii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real property as a matter of right;

"(viii) The unimproved real property is used as a parking lot and each approval required from the District government for use as a parking lot has been obtained;

"(ix) Unimproved air rights lot that appertains to improved and occupied real property;

"(x) Property is designated as a historic landmark under subchapter I of Chapter 11 of Title 6, or is the subject of an agreement that runs with the land and provides for the preservation of certain historic features of the improvement;

"(xi) The unimproved real property is the subject of a public hearing on a proposed overlay zone or on a proposed downzoning of the zone district classification of the real property (other than a downzoning under § 1-301.67 or § 1-301.68); or

"(xii) The unimproved real property is encumbered by a deed of trust that was recorded during the 24 months preceding the current tax year.

"(D) Unimproved real property which is separated from Class 1 Property by a public alley less than 30 feet wide shall be classified as Class 1 Property if:

"(i) The unimproved real property is less than 1,000 square feet;

"(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real property as a matter of right; and

"(iii) The owner of the unimproved real property also owns the Class 1 Property separated by the alley from the unimproved real property.

"(3)(A) Class 2 Property shall be comprised of commercial real property that is improved and occupied.

"(B) Unimproved real property which abuts Class 2 Property shall be classified as Class 2 Property if the unimproved real property and the Class 2 Property have common ownership.

"(C) Commercial real property that is unimproved or unoccupied shall remain classified as Class 2 Property if:

"(i) The improved real property is unoccupied due to a fire, flood, or other casualty, if the property was occupied at the time of the casualty, and the fire, flood, or other casualty occurred during the 12 months preceding the tax year and was not intentionally caused by the owner or sole tenant;

"(ii) The real property is actively offered for sale or rental at a reasonable market price as of September 30 of the preceding tax year or as of March 31 of the current tax year; provided, that a property which has been offered for sale or rental for more than 8 months shall be presumed not to be offered for sale or rental at a reasonable market price;

"(iii) A building permit or a demolition permit has been issued and building or demolition is actively pursued as of September 30 of the preceding tax year or as of March 31 of the current tax year;

"(iv) A building permit has been issued during the 24 months preceding the current tax year;

"(v) The improved real property is the subject of a probate proceeding or title to the improved real property is the subject of litigation;

"(vi) An application for a necessary approval for development of the real property is pending, as of September 30 of the preceding tax year or as of March 31 of the current tax year, before the Board of Zoning Adjustment, the Zoning Commission for the District of Columbia, the Commission on Fine Arts, the Historic Preservation Board, the Mayor's Agent for Historic Preservation, or the National Capital Planning Commission;

"(vii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real property as a matter of right;

"(viii) The unimproved real property is used as a parking lot and each approval required from the District government for use as a parking lot has been obtained;

"(ix) An unimproved air rights lot that appertains to improved and occupied real property;

"(x) Property is designated as a historic landmark under subchapter I of Chapter 11 of Title 6, or is the subject of an agreement that runs with the land and provides for the preservation of certain historic features of the improvement;

"(xi) The unimproved real property is the subject of a public hearing on a proposed overlay zone or on a proposed downzoning of the zone district classification of the real property (other than a downzoning under § 1-301.67 or § 1-301.68); or

"(xii) The unimproved real property is encumbered by a deed of trust that was recorded during the 24 months preceding the current tax year.

"(D) Class 2 Property shall include, as of September 30 of the preceding tax year, the unimproved real property that is within the Northeast No. 1/Eckington Yards Special Treatment Area and the Buzzard Point/Near Southeast Development Opportunity Area, as designated on the current District of Columbia Generalized Land Use Map that is part of the Comprehensive Plan; provided, that the real property is zoned for commercial development and the real property owner is engaged in predevelopment activities as supported by written documentation. For the purpose of this subparagraph, the term "predevelopment activities" means completion of one of the following:

"(i) Preparation of subdivision or large tract review applications;

"(ii) Preparation or application for District of Columbia permits or authorizations to proceed with development;

"(iii) Participation in special planning or transportation studies prepared in conjunction with the District of Columbia; or

"(iv) Completion of environmental assessment or mitigation studies prepared in conjunction with the District of Columbia.

"(E) Unimproved real property which is separated from Class 2 Property by a public alley less than 30 feet wide shall be classified as Class 2 Property if :

"(i) The unimproved real property is less than 1,000 square feet;

"(ii) The zoning regulations adopted by the Zoning Commission for the District of Columbia do not allow the building of any structure on the unimproved real

ENROLLED ORIGINAL

property as a matter of right; and

"(iii) The owner of the unimproved real property also owns the Class 2 Property separated by the alley from the unimproved real property.

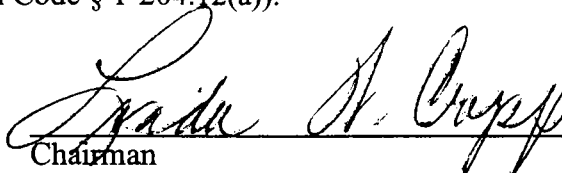
"(4) Class 3 Property shall be comprised of all real property which cannot be classified as either Class 1 Property or Class 2 Property."

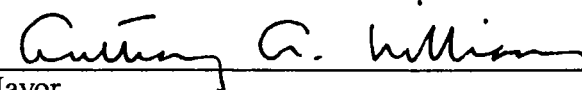
Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

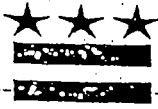
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi
Chief Financial Officer

DATE: DEC -2 2002

SUBJECT: Fiscal Impact Statement: "Real Property Tax
Revision Amendment Act of 2002"

REFERENCE: Draft Legislation - No Bill Number Available

Conclusion

Funds are sufficient in the FY 2003 through FY 2006 budget and financial plan as agreed upon by the Mayor and the Council of the District of Columbia. No additional staff or resources will be required to implement the provisions of the proposed legislation.

Background

The proposed legislation is an amendment in the nature of a substitute to the FY 2003 Budget Support Amendment Act. The purpose of the proposed title is to establish a new class III for vacant and abandoned property and establish a tax rate of \$5.00 per \$100 of assessed value. The proposed legislation stipulates conditions by which a vacant or abandoned property would not be reclassified. These conditions preclude reclassification due to abandonment or vacancy caused by tragic circumstance, active marketing of the property by the owner, anticipated construction or demolition. In these cases the class I assessment will remain in force.

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Financial Plan Impact

The provisions of the proposed legislation will not change the estimated financial impacts of Title XIII of bill 14-892 "Fiscal Year 2003 Budget Support Amendment Act of 2002" because few properties would be affected.

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To authorize, on an emergency basis, the Mayor to enter into discussions with Howard University for the purpose of negotiating for a new hospital on the Public Reservation 13 site.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Medical Center Negotiation Emergency Act of 2003".

Sec. 2. (a) The District's existing healthcare infrastructure is inadequate in part because of the uneven distribution of hospitals throughout the city.

Note,
§ 10-1502

(b) To resolve the inadequacy of the District's healthcare infrastructure described in subsection (a) of this section, the Council encourages the Mayor to begin negotiations immediately with Howard University for the purpose of securing an agreement to construct a new hospital to be known as the National Capital Medical Center on the Public Reservation 13 site in a manner not inconsistent with land use guidelines, notwithstanding any specific acreage limitations, contained in the Master Plan for Reservation 13 Hill East Waterfront as enacted into law by the Draft Master Plan for Public Reservation 13 Approval Act of 2002, effective April 11, 2003 (D.C. Law 14-300; D.C. Official Code § 10-1501 *et seq.*).

Sec. 3. The Mayor shall submit, by January 15, 2004, to the Council, for its approval by act, the agreement, which shall include a provision:

- (1) For a long term lease for land, under District government control, to be made available to Howard University to construct a new hospital;
- (2) For the District to support the financing of the construction of the new hospital;
- (3) That the District shall not manage or operate the new hospital; and
- (4) A statement of the hospital's commitment to serve the underserved.

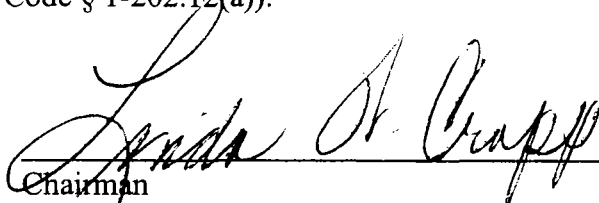
Sec. 4. Fiscal impact statement.

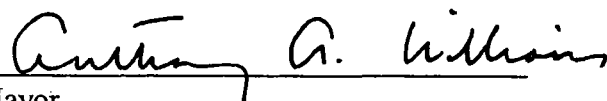
This legislation has no fiscal impact.

ENROLLED ORIGINAL

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-202.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR

FISCAL IMPACT STATEMENT

Bill Number:	Type: Emergency <input checked="" type="checkbox"/> Temporary <input type="checkbox"/> Permanent <input type="checkbox"/>	Date Reported:
--------------	---	----------------

Subject/Short Title:

Howard University Hospital Negotiation Emergency Act of 2003

Part I: Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	<input checked="" type="checkbox"/>
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	<input checked="" type="checkbox"/>
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	()	()
Explanation:		

Part II: Other Impact of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	()	<input checked="" type="checkbox"/>
2. Are there performance measures/output for this bill?	()	<input checked="" type="checkbox"/>
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	<input checked="" type="checkbox"/>
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	<input checked="" type="checkbox"/>

Sources of information:	Councilmember: Kevin Chavous
	Staff Person & Tel: Eric Rogers 724-8008
	Council Budget Director's Signature: Amy Bortan

11/3/03

11/03/03

2:47 PM

10722

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-230

IN THE COUNCIL OF DISTRICT OF COLUMBIA

NOVEMBER 25, 2003

To amend, on an emergency basis, the District of Columbia Noise Control Act of 1977 to clarify the definition of noise disturbance to provide that noise meter readings are not required evidence of violations of the reasonable person standard that occur outside of the Central Employment Area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Noise Control Clarification Emergency Amendment Act of 2003".

Sec. 2. Section 3(n) of the District of Columbia Noise Control Act of 1977, effective March 16, 1978 (D.C. Law 2-53; 20 DCMR § 2799.1), is amended by striking the second sentence and inserting new sentences in its place to read as follows: DCMR

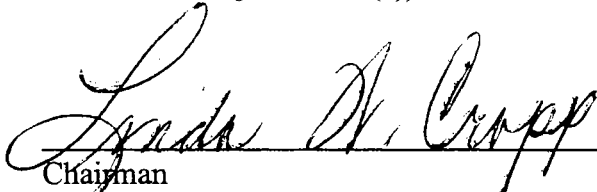
"In making a determination of a noise disturbance, the Mayor shall consider the location, time of day when the noise is occurring or will occur, and the duration of the noise. In addition, the Mayor may consider the magnitude of the noise relative to the maximum permissible noise levels permitted under this act, the possible obstruction or interference with vehicular or pedestrian traffic, the number of people that are or would be affected, and such other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community."

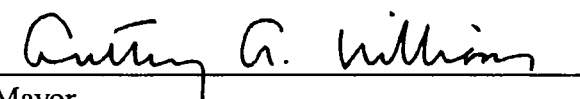
Sec. 3. This bill will have no ascertainable fiscal impact as it merely clarifies the Council's intent that noise meter readings are not required to prove violations of the act outside of the Central Employment Area.

Sec. 4. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia

ENROLLED ORIGINAL

in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-231IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis due to Congressional review, Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned by the Veterans of Foreign Wars Department of the District of Columbia and to provide equitable real property tax relief to the organization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Act of 2003".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents to the chapter is amended by adding a new section designation to read as follows:

"§47-1057. Property owned by the Veterans of Foreign Wars Department of the District of Columbia ; lot 0040, square 5167."

(b) A new section 47-1057 is added to read as follows:

"§47-1057. Veterans of Foreign Wars Department of the District of Columbia; lot 0040, square 5167.

Note,
§ 47-1057

"Property situated in square 5167, located at 1601 Kenilworth Avenue, N.E., described as lot 0040, owned, occupied, and used by the Veterans of Foreign Wars Department of the District of Columbia, is hereby exempt from all taxation so long as this same property continues to be owned and occupied by the Veterans of Foreign Wars Department of the District of Columbia, and not used for commercial purposes, subject to the provision of § 47-1002, providing for exemption of certain real properties."

Sec. 3. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the property owned by the Veterans of Foreign Wars Department of the District of Columbia for the period of May 1, 2002, until the effective date of this act, on real property located at 1601 Kenilworth Avenue,

N.E., Washington, D.C., lot 0040 in square 5167 be forgiven.

Sec. 4. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

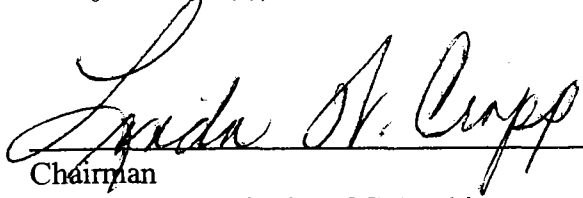
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Applicability.

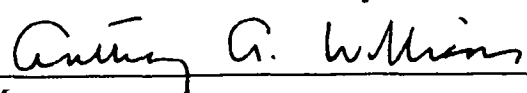
This act shall apply as of October 27, 2003.

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 25, 2003

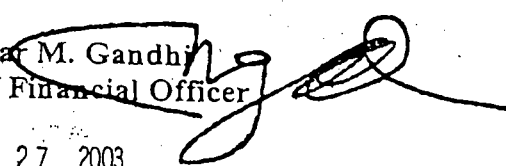
Government of the District of Columbia
Office of the Chief Financial Officer



Natwar M. Gandhi
Chief Financial Officer

MEMORANDUM

TO: The Honorable Linda W. Cropp
Chairman, Council of the District of Columbia

FROM: Natwar M. Gandhi 
Chief Financial Officer

DATE: MAY 27 2003

SUBJECT: Fiscal Impact Statement: "Veterans of Foreign Wars Real
Property Tax Exemption and Equitable Real Property Tax
Relief Act of 2003"

REFERENCE: Bill 15-126 as Introduced

Conclusion

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget and financial plan as agreed to by the Mayor and the Council of the District of Columbia. The proposed legislation will result in tax refunds and foregone real property tax, thus reducing the local General Fund. The proposed legislation will result in unbudgeted costs of approximately \$3,200 from real property tax refunds in FY 2003 and \$7,600 in refunds and foregone revenue in FY 2003 through FY 2007.

Background

The proposed legislation approves a real property tax exemption for property located in Square 5167, Lot 0040 located at 1601 Kenilworth Avenue, N.E. The property is used, owned and occupied by the Department of the District of Columbia Veterans of Foreign Wars. In addition, the proposed legislation foregoes all real property taxation, fees, interest and penalties on the subject property for a period beginning May 1, 2002. The occupants would be entitled to a refund of all amounts paid for real property taxes assessed during the period of May 1, 2002 to present.

10727

The Honorable Linda W. Cropp
FIS: Bill 15-126, "VFW RPTx Exemption and
Equitable RPTx Relief Act of 2003"
Page 2 of 2

Financial Plan Impact

Funds are not sufficient in the FY 2003 budget and the proposed FY 2004 through FY 2007 budget and financial plan as agreed to by the Mayor and the Council. The Department of the District of Columbia Veterans of Foreign Wars has never petitioned for real property tax exemption with the Office of Tax and Revenue. Under D.C. Official Code § 47-1002 a veteran group or a club would not qualify for an exemption.

The Department of the District of Columbia Veterans of Foreign Wars paid \$800 in FY 2002 and \$2,405 in FY 2003 which will need to be refunded by the provisions of the proposed legislation. The property is currently assessed at \$130,000 and would result in annual real property taxation of \$1,024. The following table represents the approximate foregone revenue, refunds and exempted taxation as a result of implementing the proposed legislation.

Revenue Impact to the Financial Plan (in 000s)					
FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	TOTAL
(\$3.2)	(\$1.0)	(\$1.1)	(\$1.1)	(\$1.2)	(\$7.6)

As the property is owned by the Department of the District of Columbia Veterans of Foreign Wars, Deed Recordation and Deed Transfer taxes are not impacted by the proposed legislation.

The Chief Financial Officer's legislative fiscal analysis is prepared by the Special Projects and Fiscal Analysis Administration in the Office of Research and Analysis. Contact us at 441 4th Street, NW, Suite 400S, Washington D.C., 20001 or view our work on-line at <http://cfo.dc.gov>.

AN ACT
D.C. ACT 15-232

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To establish, on an emergency basis, due to Congressional review, a Special Education Task Force to assist the District of Columbia Public Schools in implementing its Seven Point Plan for Special Education.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Special Education Task Force Establishment Second Congressional Review Emergency Act of 2003".

Sec. 2. Establishment.

There is established a Special Education Task Force ("Task Force") with the purpose of serving as a collaborative body of District agencies that will monitor, support, and implement special education reform within the District of Columbia Public Schools.

Sec. 3. Functions.

Specific functions of the Task Force shall include the following:

- (1) Within 60 days of the approval of the Board of Education, adopt by a majority vote the Special Education Reform Plan developed pursuant to section 4;
- (2) Convene monthly, or more frequently as deemed necessary and appropriate, to report on the progress of, identify obstacles to, and recommend amendments to the Reform Plan;
- (3) Identify ways that better coordinate and improve special education service delivery;
- (4) Monitor the Special Education Reform Plan, developed by the Superintendent for the District of Columbia Schools and approved by the Board of Education for the District of Columbia, to ensure that the Reform Plan is executed in an appropriate and timely manner; and
- (5) Determine specific savings targets for Fiscal Year 2004 and beyond, including those associated with the Tobacco Settlement funds provided to the District of Columbia Public Schools in Fiscal Year 2003.

Sec. 4. Special Education Reform Plan.

The Superintendent of Schools shall develop a Special Education Reform Plan ("Reform Plan") which shall include the following:

- (1) Measurable goals;
- (2) Time line for deliverables;
- (3) Roles and responsibilities of all District agencies that provide special education related services;
- (4) Proposed legislative amendments;
- (5) Targeted savings activities for fiscal years 2003-2005; and
- (6) Review and input from Task Force members.

Sec. 5. Composition of the Task Force.

(a) The Task Force shall be comprised of the following 9 members, or designees thereof:

- (1) The Mayor of the District of Columbia;
- (2) The Chair of the Committee on Education, Libraries and Recreation for the Council of the District of Columbia;
- (3) The Chair of Committee of Finance and Revenue for the Council of the District of Columbia;
- (4) The President of the Board of Education;
- (5) The District of Columbia Public Schools Superintendent;
- (6) The State Education Officer of the District of Columbia;
- (7) The Deputy Mayor for Children, Youth, Families and Elders;
- (8) The Chief Financial Officer for the District of Columbia; and
- (9) The Chief Financial Officer for the District of Columbia Public Schools.

(b) The following shall serve as advisory, nonvoting members of the Task Force:

- (1) All the members of the Council's Committee on Education, Libraries and Recreation;
- (2) The department head or designee of the Office of Special Education;
- (3) The department head or designee of the Committee on Special Education and Student Services for the Board of Education;
- (4) The department head or designee of the Office of Corporation Counsel;
- (5) The department head or designee of the Department of Mental Health;
- (6) The department head or designee of the Child and Family Service Agency;
- (7) The department head or designee of the Medical Assistance Administration;
- (8) The department head or designee of the Office of Medicaid Public Provider Operation Reform;
- (9) The representative of the State Advisory Panel on Special Education in the District of Columbia; and

- (10) Two parents of District of Columbia Special Education students.
- (c) The Task Force shall be co-chaired by the Mayor and the Chair of the Committee on Education, Libraries and Recreation for the Council of the District of Columbia.
- (d) The Director of the State Education Office shall provide staffing for the Task Force.

Sec. 6. Memorandum of Understanding.

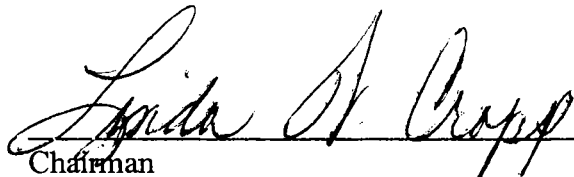
The voting members of the Task Force shall adopt and sign a Memorandum of Understanding regarding the implementation of the Reform Plan.

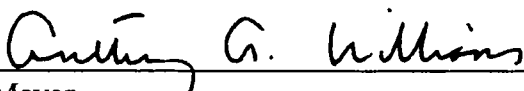
Sec. 7. Fiscal impact statement.

This act will have no fiscal impact.

Sec. 8. This act shall apply as of October 27, 2003.

Sec. 9. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-233IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To amend, on an emergency basis due to Congressional review, the Make a Difference Selection Committee Establishment Act of 1998 to increase the number of yearly honorees from 10 to 25, and to provide that the nominations which the Council does not approve or disapprove within the 30-day review period shall be deemed approved.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Make a Difference Congressional Review Emergency Amendment Act of 2003".

Sec. 2. Section 4 of the Make a Difference Selection Committee Establishment Act of 1998, effective April 30, 1998 (D.C. Law 12-98; D.C. Official Code § 9-1215.03), is amended as follows:

Note,
§ 9-1215.03

(a) Subsection (d) is amended by striking the phrase "10 persons" and inserting the phrase "25 persons" in its place.

(b) Subsection (f) is amended by striking the phrase "deemed disapproved" and inserting the phrase "deemed approved" in its place.

Sec. 3. Applicability date.

This act shall apply as of November 7, 2003.

Sec. 4. Fiscal impact statement.

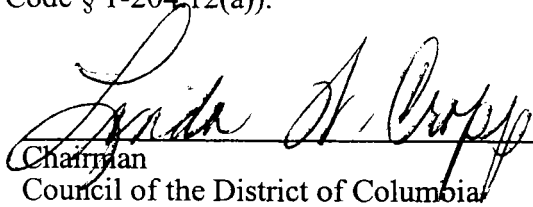
This act will have no fiscal impact.

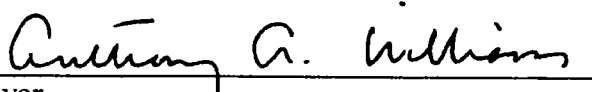
Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

AN ACT
D.C. ACT 15-234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
NOVEMBER 25, 2003

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.

West Group
Publisher

To amend, on an emergency basis, Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law, and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to authorize the Administrator of the Mental Retardation and Developmental Disabilities Administration, or the Administrator's designee, to grant, refuse, or withdraw consent, with certain limitations, on behalf of incapacitated customers, for health care services, treatment, or procedures, upon the certification of 2 licensed physicians.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Citizens with Mental Retardation Substituted Consent for Health Care Decisions Emergency Amendment Act of 2003".

Sec. 2. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2011 is amended by adding a new paragraph (5A) to read as follows:

Note,
§ 21-2011

"(5A) "Emergency care" means immediate treatment, including diagnostic treatment, provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death."

(b) Section 21-2046(a) is amended by striking the phrase "life threatening emergency" and inserting the phrase "life-threatening situation or a situation involving emergency care" in its place.

Note,
§ 21-2046

Sec. 3. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*), is amended as follows:

(a) Section 507 (D.C. Official Code § 7-1305.07) is amended to read as follows:

Note,
§ 7-1305.07

"Sec. 507. (a) Subject to the limitations provided in subsection (b) of this section, if a customer is certified as an incapacitated individual in accordance with D.C. Official Code § 21-2204, and there is no known person reasonably available, mentally capable, and willing to act

ENROLLED ORIGINAL

pursuant to D.C. Official Code § 21-2210, the Administrator of the Mental Retardation and Developmental Disabilities Administration ("Administrator"), or the Administrator's designee, is authorized to grant, refuse, or withdraw consent on behalf of a customer with respect to the provision of any health care service, treatment, or procedure; provided, that 2 licensed physicians have certified in writing that the health care service, treatment, or procedure is clinically indicated to maintain the health of the customer.

"(b) The Administrator, or the Administrator's designee, is not authorized, unless authorized by a court, to consent to the following:

"(1) An abortion, sterilization, psychosurgery, or removal of a bodily organ, except to preserve the life or prevent the immediate serious impairment of the physical health of the customer;

"(2) Convulsive therapy;

"(3) Experimental treatments or behavior modification programs involving aversive stimuli or deprivation of rights; or

"(4) The withholding of life-saving medical procedures.

"(c) Nothing in this section shall be read to require any person to execute a durable power of attorney for health care."

(b) A new section 507a is added to read as follows:

"Sec. 507a. (a) It shall be the policy of the District government to ensure that incapacitated persons have available health care decisionmakers. The Administrator of the Mental Retardation and Developmental Disabilities Administration shall establish a plan to encourage, as much as possible, the provision of health care decisionmakers pursuant to D.C. Official Code § 21-2210 for all incapacitated and potentially incapacitated persons under the Administrator's jurisdiction.

"(b) Nothing in this section shall be read to require any person to execute a durable power of attorney for health care."

Sec. 4. Applicability.

This act shall apply as of November 5, 2003.

Sec. 5. Fiscal impact statement.

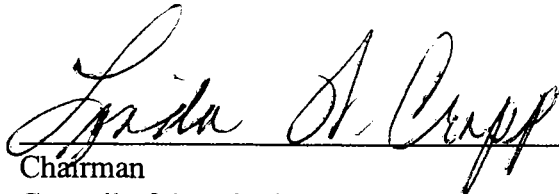
The Council anticipates that this act will reduce costs to the Mental Retardation and Developmental Disabilities Administration by reducing legal costs associated with guardianships. This act will also reduce Medicaid costs to the District of Columbia because prompt attention to medical needs will reduce medical costs.

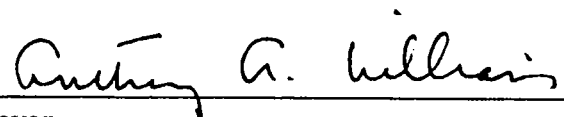
Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
November 25, 2003

ENROLLED ORIGINAL

AN ACT

D.C. ACT 15-235

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

NOVEMBER 25, 2003*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Winter
Supp.West Group
Publisher

To establish, on an emergency basis, the Rehabilitation Services Program to assist individuals with disabilities in achieving gainful employment, and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of the vocational rehabilitation services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rehabilitation Services Program Establishment Emergency Act of 2003".

Sec. 2. Establishment of the Rehabilitation Services Program.

(a) There is established a Rehabilitation Services Program that shall provide comprehensive, coordinated, efficient, and accountable federally subsidized services to individuals with disabilities, including individuals with significant disabilities, to assist those individuals in achieving gainful employment in accordance with the requirements of the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1116; 29 U.S.C. § 720 *et seq.*).

(b) The Mayor shall establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to the payment of the costs of the vocational rehabilitation services.

Sec. 3. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 4. Applicability.

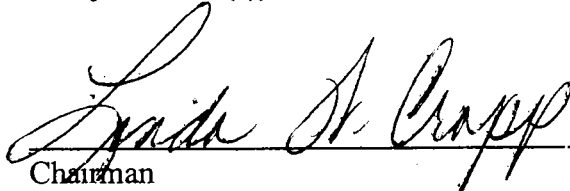
This act shall apply as of November 15, 2003.

Sec. 5. Fiscal impact statement.

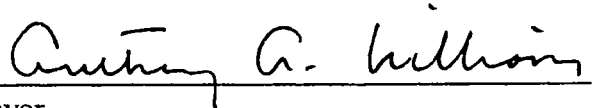
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412 (a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
November 25, 2003